THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.19703 of 2005

Dated: 14-12-2005

Between:

Kondapalli Kantha Rao and others. **.. PETITIONERS**

AND

The Sub-Collector, Paderu Mandal, Visakhapatnam District and others.

.. RESPONDENTS

-

-

-

-

-

-

-

-

-

ORDER:

The petitioners claim that they are the owners of lands in various survey numbers of Kothur and Devapuram villages, Paderu Mandal, Visakhapatnam District. Their grievance is that the respondents are trying to lay the roads without acquiring them.

The writ petition came up for admission on 06-09-2005, notice before admission was ordered and an interim order was granted. Though the respondents have entered appearance, no counter-affidavit is filed.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

The properties of private individuals cannot be taken over or utilized by the Government except initiating the proceedings under the Land Acquisition Act or by undertaking negotiations. Even if there exists any public purpose, for utilization of lands, the owners cannot be deprived of lands, unless the procedure prescribed by the law is followed. The petitioners assert that no proceedings have been initiated for acquiring the lands.

For the foregoing reasons, the writ petition is allowed directing the respondents not to interfere with the possession of the lands of the petitioners or to utilize their lands for any purpose except by initiating proceedings under the Land Acquisition Act or by paying adequate compensation to the petitioners through the process of negotiations. No order as to costs.

14-12-2005

Prv